

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC 1788 of 2017

Amerikan Sahu S/o R. Sahu, aged about 45 years, resident of Bus Stand Surajpur, District Surguja (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Transport Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Regional Transport Authority Ambikapur, District Ambikapur (CG)

---- Respondents

For Petitioner	:	Mr.Santosh Gupta, Advocate
For State	:	Mr.Bhaskar Payasi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/7/2017

1. Learned counsel for the petitioner would submit that application for grant of regular stage carriage permit preferred by the petitioner has been rejected without giving an opportunity of hearing as envisaged under the second proviso to sub-section (2) of Section 80 of the Motor Vehicle Act, 1988 (hereinafter called as 'Act of 1988') as the impugned order is contrary to the aforesaid provision and is in violation of principles of natural justice.
2. On the other hand, learned Panel Lawyer for the State would support the impugned order.
3. I have heard learned counsel for the parties and perused the impugned order.
4. Since the petitioner was not afforded an opportunity of hearing and the impugned order is in violation of second proviso to sub-section (2) of Section 80 of the Act of 1988, same is quashed. The matter is

remitted back to the Regional Transport Authority, Ambikapur for taking a decision afresh in accordance with law.

5. The writ petition is allowed to the extent indicated hereinabove. It is made clear that the RTA shall provide opportunity of hearing to the petitioner as well as to such objections who have already preferred their objection against the petitioner's application. Let the necessary exercise be completed within a period of two months from the date of submission of certified copy of this order.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-